

Decision Record
Environmental Assessment
DOI-BLM-WYD01-2016-066-EA
Riverside 11-13, Riverside 10-13 and Boulder 11-7 Pipelines
Rights-of-Way: WYW-184657, WYW-184659, WYW-184661
Temporary Use Permits: WYW-184658, WYW-184660, WYW-184662
6th PM Sublette County, Wyoming
T. 31 N., R. 108 W., Section 7, SE $\frac{1}{4}$ SW $\frac{1}{4}$; Section 18, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
T. 31 N., R. 109 W., Section 13, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$.

Decision: I have reviewed the alternatives as analyzed in the Environmental Assessment and have decided to implement the Proposed Action together with design features and/or mitigation measures, which will grant Rights-of-Way and Temporary Use Permits to construct natural gas pipelines.

Approval is contingent upon and subject to the applicant committed environmental protection measures as stated in their Plans of Development (Exhibit B) and the stipulation requirements as stated in Exhibit C. Both the Exhibits B and C are to be considered part of the Proposed Action and are attached to the environmental assessment.

Approval is conditioned upon and subject to the following requirements:

- The Applicant will follow the stipulations within the right-of-way grant and temporary use permits and the applicant prepared Plans of Development incorporated into these documents.
- The Applicant will comply with all identified mitigation and monitoring measures identified as necessary to minimize impacts.
- Non-competitive, non-native species will be considered if native vegetation cannot be successfully established after 2 or 3 attempts and all other options have been exhausted.

The right-of-way grants and temporary use permits are located across the following lands:

Sixth PM Sublette County, Wyoming

T. 31 N., R. 108 W., Section 7, SE $\frac{1}{4}$ SW $\frac{1}{4}$; Section 18, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$;

T. 31 N., R. 109 W., Section 13, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$.

Authority

The right-of-way grants and temporary use permits will be approved under the authority of Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185). The proposal will be processed in accordance with 43 CFR 2880.

Compliance and Monitoring

The Applicant and BLM will provide qualified representatives on the ground during construction to validate construction, reclamation, other approved design, and compliance commensurate with the provisions of the Decision Record. The Applicant will be required to monitor the project in cooperation with BLM. Appropriate remedial action will be taken by the Applicant in the event unacceptable impacts are identified.

Terms/Conditions/Stipulations

See Exhibits B and C attached to the environmental assessment.

Plan Conformance and Consistency

The selected alternative complies with environmental laws, regulations, and policies pertinent to the decision, including the Endangered Species Act, the National Historic Preservation Act, the Clean Water Act, the Federal Land Policy and Management Act, the Clean Air Act, and Executive Orders (EO) covering Environmental Justice (EO 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations), Noxious Weeds (EO 13112, Invasive Species), and Wetlands (EO 11990, Protection of Wetlands).

The Proposed Action is subject to the Pinedale Resource Management Plan/ Final Environmental Impact Statement/Record of Decision (RMP/FEIS/ROD), as approved on November 26, 2008 and amended/approved on September 21, 2015. The plan has been reviewed to determine if the proposed action conforms to the Land Use Plan's terms and conditions, as required by 43 CFR 1610.5-3.

Alternatives Considered

As required by 43 CFR Section 1502.14(d), this Environmental Assessment evaluated a No Action Alternative in addition to the Proposed Action. The No Action Alternative would have the least impact to the existing environment as there would be no new disturbance, but it would result in the denial of the proposal and would preclude the Applicant from constructing the buried pipelines.

Rationale for Decision

This decision is based on the attached Environmental Assessment and Finding of No Significant Impact (FONSI), which concludes that approval of the proposed action, given the implementation of the required design features and/or mitigation measures, would not result in any unnecessary or undue degradation of resources, and conforms to the existing Pinedale Resource Management Plan.

Appeal

Right-of-way decisions are issued in "full force and effect" in accordance with the regulations in 43 CFR 2801.10. Full force and effect means that the decision can be implemented immediately even if the decision is appealed to the Interior Board of Land Appeals (IBLA). The appellant has the opportunity to file a petition for a stay with IBLA.

A stay is a request to prevent implementation of the decision until the appeal can be reviewed by IBLA. Procedures for filing an appeal or stay are discussed below.

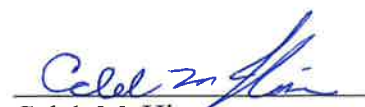
This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4. Within 30 days of the decision, a notice of appeal must be filed in the office of the Authorized Officer at PO Box 768, Pinedale, Wyoming 82941. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the Authorized Officer. The appellant has the burden of showing that the decision appealed from is in error.

A copy of the notice of appeal, any statement of reasons and all pertinent documents must be served on each adverse party named in the decision from which the appeal is taken and on the Office of the Regional Solicitor, U.S. Department of the Interior, Rocky Mountain Region, 755 Parfet Street, Suite 151, Lakewood, CO 80215, not later than 15 days after filing the document with the Authorized Officer and/or IBLA.

If you wish to file a petition pursuant to regulations at 43 CFR 2800 or 43 CFR 2880 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed in this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of irreparable harm to the appellant or resources if the stay is not granted, and
4. Whether the public interest favors granting the stay.

SIGNATURE


Caleb M. Hiner
Field Manager

5/5/2016
Date